

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT  
(GROUP-II)**

NOTIFICATION

**Jaipur, September 22, 2023**

**No. F. 2(39)Vidhi/2/2023.**- In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Nyuntam Aay Garantee Adhiniyam, 2023 (2023 Ka Adhiniyam Sankhyank 30):-

(Authorised English Translation)

**THE RAJASTHAN MINIMUM GUARANTEED INCOME ACT, 2023**

**(Act No. 30 of 2023)**

(Received the assent of the Governor on the 21<sup>st</sup> day of September, 2023)

*An*

*Act*

*to provide entitlement-based social security to support the individuals and/or households of the State with an additional minimum guaranteed income in the form of a guaranteed wage or social security pension.*

*Whereas it is expedient to make effective provisions in furtherance to constitutional safeguards and protections accorded to citizens under Articles 39(a), 41 and 43 of the Constitution of India.*

Be it enacted by the Rajasthan State Legislature in the Seventy-fourth Year of the Republic of India, as follows:-

**CHAPTER-I**

**Preliminary**

**1. Short title, extent, and commencement.**- (1) This Act may be called the Rajasthan Minimum Guaranteed Income Act, 2023.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date, as the State Government may appoint by notification in the Official Gazette.

**2. Definitions.-** In this Act, unless the subject or context otherwise requires,-

- (a) “adult person” means a person who has attained the age of eighteen years;
- (b) “applicant” means the head of a household or any of the other adult members of the household who has applied for employment under the provisions of this Act;
- (c) “Base Rate” means the minimum guaranteed pension of rupees one thousand per month;
- (d) “CMREGS” means Chief Minister Rural Employment Guarantee Scheme of the Government of Rajasthan;
- (e) “disabled” means persons with benchmark disability under the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016);
- (f) “financial year” means the period between the first day of April in any year and the thirty-first day of March in the next year, both dates included;
- (g) “household” means the members of a family related to each other by blood, marriage or adoption, normally residing together and sharing meal and holding a common Jan Aadhar Card;
- (h) “IGUEGS” means Indira Gandhi Urban Employment Guarantee Scheme of the Government of Rajasthan;
- (i) “minimum wage” means the minimum wage fixed for agricultural labourers for the relevant Zone by the State Government under section 3 of the Minimum Wages Act, 1948 (Central Act No. 11 of 1948);
- (j) “MGMGIY” means the Mahatma Gandhi Minimum Guaranteed Income Yojana notified by the State Government;
- (k) “MGNREGA” means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act No. 42 of 2005);
- (l) “notification” means a notification published in the Official Gazette;
- (m) “Nodal Department” means the Local Self Government Department for the provisions of Urban Employment, the Rural Development and Panchayati Raj Department for the provisions of Rural Employment and the Social Justice and Empowerment Department for the provisions of pension as may be prescribed;
- (n) “pension” means a periodic compensation, provided to an individual as ex-gratia payment under social security schemes of the Government for the purpose of this Act;
- (o) “permissible work” means work identified under the Employment Schemes as prescribed;
- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “Program Officer” means an officer designated under section 5;
- (r) “resident” means a resident defined under the Jan Aadhar Authority Act, 2020 (Act No.3 of 2020);
- (s) “rules” means the rules made under this Act;
- (t) “State Government” means the Government of the State of Rajasthan; and

- (u) “unskilled manual work” means any physical work which any adult person is capable of doing without any skill or special training.

## CHAPTER-II

### Right to Minimum Guaranteed Income

**3. Right to Minimum Guaranteed Income.-** The State Government shall provide to eligible persons a Minimum Guaranteed Income through MGMGIY as may be notified by the State Government under this Act by providing employment in urban areas through the Indira Gandhi Urban Employment Guarantee Scheme and in rural areas through Chief Minister Rural Employment Guarantee Scheme or by providing pension to an eligible category of old age/specially abled/widow/single woman as may be prescribed:

Provided that the Act upon implementation shall under no circumstances constitute grounds for discontinuing the benefits under other schemes of Government and necessarily shall not lead to any reduction in the level of benefits received by the applicant in other such schemes.

## CHAPTER-III

### Right to Guaranteed Employment

**4. Entitlement under this Act.-** (1) Every adult person residing in the rural areas of the State shall have a right to get guaranteed employment for doing permissible work of atleast additional 25 days in a financial year on completion of maximum days of work as prescribed by the MGNREGA, and to receive minimum wages therefor weekly or in any case not later than a fortnight, in accordance with the provisions of this Act through CMREGS.

(2) Every adult person residing in the urban areas of the State shall have a right to guaranteed employment, that is a right to get guaranteed employment for doing permissible work of atleast 125 days in a financial year and to receive minimum wages therefor weekly or in any case not later than a fortnight, in accordance with the provisions of this Act.

**5. Provisions for Right to Guaranteed Employment under the Act.-** (1) The State Government shall designate a Program Officer, not be below the rank of Block Development Officer in rural areas and an Executive Officer of the local body concerned in urban areas to implement the provisions of this Act and rules made thereunder for guaranteed employment.

(2) The list of permissible works to be provided, details of working hours, working conditions, payment of wages and frequency of wage pay-outs shall be such as may be prescribed.

(3) Any adult member of a household may register for the right to guaranteed employment in the manner and in the format as may be prescribed.

(4) The Program Officer shall ensure that the applicant under sub-section (3) shall be provided permissible work, in accordance with the provisions of this Act and rules made thereunder, within the period not exceeding fifteen days from the date of application.

(5) Employment may also be provided on a time-rate basis for certain categories of works/services as may be notified by the concerned Nodal Department with the approval of

the State Government.

- (6) As far as possible, the Program Officer shall ensure that the work site is:-
- (a) within a radius of five kilometres of the village where the job card is registered, in case the applicant resides in any rural area; and
  - (b) within the ward or adjoining wards or minimum radius of five kilometres from the ward as prescribed where the job card is registered, in case the applicant resides in any urban area.

**6. Entitlement to receive unemployment allowance.-** (1) Where Program Officer fails to provide employment within fifteen days from the receipt of the application in the prescribed manner, the applicant shall be entitled to receive unemployment allowance on a weekly basis and in any case not later than a fortnight from the State Government in the manner as may be prescribed.

(2) The unemployment allowance payable under sub-section (1) shall be at such rates as may be prescribed.

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as:-

- (a) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for the period of workdays entitled under the Act during the financial year; or
- (b) the applicant is directed by the Program Officer to report for work either by himself or depute at least one adult member of his household; or
- (c) the period for which employment is sought, comes to an end and no member of the household of the applicant had turned up for employment; or
- (d) the adult members of the household of the applicant have received in total the maximum days entitled under the Act during the financial year.

#### CHAPTER-IV

#### Right to Guaranteed Social Security Pension

**7. Entitlement for Guaranteed Social Security Pension.-** (1) Every person falling in the category of old age/specially abled/widow/single woman with prescribed eligibility shall be entitled to a pension under this Act as may be prescribed.

(2) The pension payable shall be increased at the rate of fifteen per cent per annum on the base rate in two instalments i.e., 5 percent in July and 10 percent in January of each financial year starting from financial year 2024-2025:

Provided that no increase in pension shall be allowed before completion of minimum 12 months from the date of sanction of pension to that individual.

**8. Implementation of Right to Guaranteed Social Security Pension.-** (1) The State Government shall designate an Officer not below the rank of Block Development Officer in Rural Areas and an Executive Officer of the local body concerned in Urban Areas to implement the provisions of this Act for the purpose of guaranteed social security pension.

(2) The State Government shall notify rules for implementation of provisions of

guaranteed social security pension under this Act such as:-

- (i) the details of eligibility criteria for pensioners;
- (ii) process for deemed approval and auto-approval;
- (iii) process for registration, verification, and sanction;
- (iv) process for payment of pension;
- (v) process for annual review of the list of pensioners for verification of the pensioners being alive;
- (vi) process for converging other pension-related schemes operated by the State Government and mechanism for de-duplication.

## CHAPTER-V

### Implementation

**9. Implementation by Nodal Departments.-** (1) For the purpose of this Act, the Local Self Government Department shall be the Nodal department to implement the provisions of Urban Employment, and the Rural Development Department shall be the Nodal department for the implementation and day-to-day management of the provisions of Rural Employment and the Social Justice and Empowerment Department shall be the Nodal department for provisions of right to guaranteed social security pension as may be prescribed.

(2) There shall be State Rural Employment Commissioner, State Urban Employment Commissioner and State Pension Commissioner who shall be responsible for implementing the provisions of this Act and rules made thereunder and to perform such other functions as may be prescribed.

**10. State Advisory Board.-** (1) The State Government shall constitute an advisory board, headed by the Chief Secretary to regularly monitor and review the implementation of the provisions of this Act and rules made thereunder.

(2) The State Advisory Board shall also consist of various other members of State Government but not limited to the following, namely:-

- (i) Secretary to the Government in-charge of the Department of Rural Development and Panchayati Raj;
- (ii) Secretary to the Government in-charge of the Department of Social Justice and Empowerment;
- (iii) Secretary to the Government in-charge of the Department of Local Self Government;
- (iv) Secretary to the Government in-charge of the Department of Planning; and
- (v) Secretary to the Government in-charge of the Department of Finance.

**Explanation.-** For the purposes of this sub-section, the expression “Secretary to the Government in-charge” means the Secretary to the Government in-charge of a department and includes an Additional Chief Secretary and a Principal Secretary when he is in-charge of that department.

## CHAPTER-VI

### Transparency and Accountability

**11. Transparency and accountability.-** (1) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers, expenditure incurred in connection with the implementation of the provisions of this Act and rules made thereunder and provisions for regular inspection and supervision of works by a quality control team (for assets created under MGMGIY) and verification of provisions relating to entitlements of guaranteed social security pension.

(2) All payments of wages, compensation and unemployment allowances and pension shall be made directly to the account of the applicant concerned through the Direct Benefit Transfer mechanism.

(3) Relevant accounts and records relating to the payment of wages, compensation, unemployment allowance and pension under this Act shall be made available for public scrutiny in such manner as may be prescribed.

**12. Grievances redressal mechanism.-** The State Government shall, at an appropriate level, formulate various rules under the provisions of this Act which shall enable the applicants to lodge their grievances for redressal. The structure and the modus operandi of the grievance redressal mechanism shall be such as may be prescribed.

**13. Social audit and Performance audit.-** The Program Officer shall be responsible to provide the accounts and books to the Rajasthan Social and Performance Audit Authority (RSPAA) to carry out social audit and performance audit in the manner as may be prescribed.

### CHAPTER-VII

#### Miscellaneous

**14. Act in addition and not in derogation of other laws.-** The Act shall apply in addition to, and not in derogation of, any rights or entitlements guaranteed under any Central or State laws.

**15. Protection of action taken in good faith.-** No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or officer or body or person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

**16. Power of the State Government to make rules.-** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the details of working hours, working conditions, payment of wages and frequency of wage pay-outs;
- (b) the manner and format in which an adult member of a household may register for the right to employment;
- (c) the manner in which the applicant shall be entitled to receive unemployment allowance and the rate at which the unemployment allowance shall be payable;
- (d) the provisions of right to pension and other functions to be performed by

State Rural Employment Commissioner, State Urban Employment Commissioner and State Pension Commissioner;

- (e) the manner in which relevant accounts and records relating to the payment of wages, compensation, unemployment allowance and pension shall be made available for public scrutiny;
- (f) the structure and the modus operandi of the grievance redressal mechanism;
- (g) the manner in which social audit and performance audit is to be carried out;
- (h) the details of eligibility criteria for pensioners;
- (i) process for deemed approval and auto-approval;
- (j) process for registration, verification, and sanction;
- (k) process for payment of pension;
- (l) process for annual review of the list of pensioners for verification of the pensioners being alive;
- (m) process for converging other pension-related schemes operated by the State Government and mechanism for de-duplication.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules or resolves that any such rule should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

(4) Every rule made under this Act shall be published by the State Government in the Official Gazette.

**17. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions, not inconsistent with this Act, as it deems necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after the expiry of two years from the date of the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the House of State Legislature.

ज्ञान प्रकाश गुप्ता,

**Principal Secretary to the Government.**

राज्य केन्द्रीय मुद्रणालय, जयपुर।